

10 (Amended) A nucleic acid as claimed in claim 2 which comprises all or part of Seq ID No 3 (RTB1), Seq ID No 4 (RTB2) or Seq ID No 5 (RTB3) or a sequence degeneratively equivalent thereto.

A A3 cont
11 (Amended) A nucleic acid as claimed in claim 9 which comprises the CryIA-RTB combination shown in any one of Seq ID No 6 (CryIA(b)-RTB1); Seq ID No 7 (CryIA(b)-RTB2); Seq ID No 8 (CryIA(b)-RTB3); Seq ID No 9 (CryIA(c)-RTB1); Seq ID No 10 (CryIA(c)-RTB2); or Seq ID No 11 (CryIA(c)-RTB3) or a sequence degeneratively equivalent thereto.

12 (Amended) A nucleic acid as claimed in claim 2 which comprises a nucleotide sequence which is a homologous variant of any of Seq ID Nos 1 to 11.

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13 (Amended) A method of producing the nucleic acid of claim 1, which method comprises the step of combining nucleic acid encoding a toxin with a nucleic acid encoding heterologous binding domain, wherein said binding domain is capable of binding non-specifically to a cell membrane without disrupting it.

14 (Amended) A method as claimed in claim 13 wherein the method further comprises the step of modifying the sequence of the toxin or binding domain by way of addition, insertion, deletion or substitution of one or more nucleotides in the nucleic acid.

A4
16 (Amended) A recombinant vector comprising a nucleic acid as claimed in claim 1.

17 (Amended) A vector as claimed in claim 16 wherein the nucleic acid of claim 1 is operably linked to a promoter.

A5
19 (Amended) A vector as claimed in claim 16 which is a baculovirus vector or a vector suitable for use in a plant.

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20 (Amended) A method for transforming a host cell which method



A DOCPHOENIX

APPL PARTS

Internal Misc. Paper _____
 IMIS _____
 Misc. Incoming Letter _____
 ILET _____
 371P _____
 PCT Papers in a 371 Application _____
 A... _____
 Amendment Including Elections _____
 ABST _____
 Abstract _____
 ADS _____
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 APPENDIX _____
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 COMPUTER _____
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NPL _____
 Non-Patent Literature _____
 OATH _____
 Oath or Declaration _____
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 RETMAIL _____
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 SEQLIST _____
 Sequence Listing _____
 SPEC _____
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 SPEC NO _____
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 TRNA _____
 Transmittal New Application _____

CTNF _____
 Count Non-Final _____
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 Examiner Interview _____
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 DO/EO Missing Requirement _____
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OUTGOING

CTMS _____
 Misc. Office Action _____
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INCOMING

AP.B _____
 Appeal Brief _____
 C.AD _____
 Change of Address _____
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 10-26-01 REM 5
 Applicant Remarks in Amendment
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 Extension of Time filed separate _____

BACKFILE DOCUMENT INDEX SHEET

Internal

SRNT _____
 Examiner Search Notes _____
 CLMPTO _____
 PTO Prepared Complete Claim Set _____

ECBOX _____
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 Claim Worksheet _____
 WFEF _____
 Fee Worksheet _____

File Wrapper

FWCLM _____
 File Wrapper Claim _____
 IIFW _____
 File Wrapper Issue Information _____
 SRFW _____
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47 A host cell as claimed in claim 46 wherein the monocot is maize or rice.

48 A method as claimed in claim 38 wherein the pest is a species of insect.

49 A method as claimed in claim 48 wherein the species is selected from *Lepidoptera*, *Coleoptera*, *Culicidae*, *Simuliidae*, *Hymenoptera*, *Homoptera*, *Orthoptera* and *Diptera*.

REMARKS

The purpose of this Preliminary Amendment is to delete multiple claims dependencies and to add claims directed to preferred embodiments of the invention.

A marked-up version of the present claim amendments is attached hereto.

The foregoing amendments do not introduce new matter into the present application and, therefore, should not be deemed objectionable. Entry of the present amendments is respectfully requested.

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